

# **EXHIBIT O**

**ANDY DAVIS, PhD, 4-7-09**

**1**

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
2 NORTHERN DISTRICT OF OKLAHOMA  
3  
4

5 W. A. DREW EDMONDSON, in his )  
6 capacity as ATTORNEY GENERAL )  
7 OF THE STATE OF OKLAHOMA and )  
8 OKLAHOMA SECRETARY OF THE )  
9 ENVIRONMENT C. MILES TOLBERT, )  
10 in his capacity as the )  
11 TRUSTEE FOR NATURAL RESOURCES )  
12 FOR THE STATE OF OKLAHOMA, )

13 Plaintiff, )

14 vs. )

15 TYSON FOODS, INC., et al, )

16 Defendants. )

17 - - - - -  
18 THE VIDEOTAPED DEPOSITION OF  
19 ANDY DAVIS, PhD, produced as a witness on behalf  
20 of the Plaintiff in the above styled and numbered  
21 cause, taken on the 7th day of April, 2009, in the  
22 City of Tulsa, County of Tulsa, State of Oklahoma,  
23 before me, Lisa A. Steinmeyer, a Certified Shorthand  
24 Reporter, duly certified under and by virtue of the  
25 laws of the State of Oklahoma.

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**85**

1 applied?

2 MS. COLLINS: Object to form.

3 **A** Well, as I said, I had no other information to  
4 reasonably assume they were taken anywhere else, and  
5 my understanding is it was used as a resource to 10:51AM  
6 actually facilitate grass growth. So I assume they  
7 want to do that as close as possible to minimize  
8 transport costs.

9 **Q** Okay. Did you discuss with any Cargill  
10 growers the length that they would transport poultry 10:51AM  
11 waste from the barn to the application sites?

12 **A** No.

13 **Q** So you don't know what distance the poultry  
14 waste, when removed from the barns, may be  
15 transported before it's applied; is that correct? 10:52AM

16 MS. COLLINS: Object to form.

17 **A** Well, that's correct. I assumed it would be  
18 proximal to the houses.

19 **Q** Did you inquire and determine whether or not  
20 the -- that all of the Cargill sites in fact land 10:52AM  
21 applied on location where the barns were with the  
22 immediately adjoining lands?

23 MS. COLLINS: Object to form.

24 **A** That was my assumption.

25 **Q** Okay, but you didn't make any specific inquiry 10:52AM

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**86**

1 to determine if that assumption was accurate;  
2 correct?

3 **A** That's correct.

4 **Q** Okay. Did you ask anyone if they in fact land  
5 applied on their sites at all? 10:52AM

6 MS. COLLINS: Object to form.

7 **A** No.

8 **Q** Did you ask anyone if they sold their poultry  
9 waste to others who then land applied?

10 MS. COLLINS: Object to form. 10:53AM

11 **A** No.

12 **Q** Did you make any inquiry as to whether poultry  
13 waste from Cargill locations was transported outside  
14 the IRW?

15 MS. COLLINS: Object to form. 10:53AM

16 **A** No.

17 **Q** In your opinion is rainfall necessary in this  
18 case to provide a transport mechanism of the  
19 land-applied poultry waste?

20 MS. COLLINS: Object to form. 10:53AM

21 **A** It depends on where it is. We've had that  
22 conversation before.

23 **Q** Well, where would it need to be that rain  
24 wouldn't be necessary for the poultry waste  
25 constituents to transport? 10:54AM

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